

REMARKS

Claims 2-6, 9-12, and 14-24 remain in the application. Reconsideration of this application is respectfully requested in light of the amendments and the remarks presented herewith.

Claims 2, 6, 9, 12, 15-16 and 21-24 are rejected under 35 USC 103(a) as being unpatentable over Haggerty (USPN 6,331,983) in view of Dunstan (USPN 6,654,371) and Chuah (USPN 6,515,994). Claims 3-5, and 17-20 are rejected under 35 USC 103(a) as being unpatentable over Haggerty in view of Dunstan and Chuah, and further in view of Donahue (USPN 6,266,339). Claims 10, 11 and 14 are rejected under 35 USC 103(a) as being unpatentable over Haggerty in view of Dunstan and Chuah, and further in view of Adelman (USPN 6,006,259).

Applicants have amended the claims to more clearly specify that the claimed invention pertains to “a first host” where the “first host” is “an endpoint” of a multicast network. Support for this amendment is found on page 10, lines 9-12 of Applicants’ specification. The prior art references pertain to the “network” and not the “endpoints.” The prior art references teach or suggest modifications to the “network” whereas our claimed invention is drawn to “endpoints.” Applicants attempted to clarify this distinction by making the November 2002 amendments where language adding “receiving indicia” was added and language to “sending” was deleted.

Applicants note that this case has been in prosecution for over four years. The first office action was favorable and asked that Applicants make amendments that would place the case in the form for allowance. That is the Examiner had objections to Claims 2, 15, and 16, which the Applicants responded by amending the claims as the Examiner had requested. Since that time, Applicants have continuously received rejection after rejection. Applicants have tried to move the case forward and have had telephone conferences to clarify continuing rejections where each time the Examiner seemed to understand Applicants claimed invention to be patentable over the prior art. With each continuing rejection, Applicants view the Examiner’s office actions as refinements to previous office actions and view the Examiner as using impermissible hindsight to combine references to arrive at Applicants claimed invention.

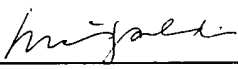
For these reasons, Applicants assert that the claims in the present application are in proper form for allowance and an early notice of allowance is respectfully requested. In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

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